

In The United State District Court  
For The District OF Delaware

Ronald G. Johnson J

v.

State OF Delaware, J

Civil Action No. 05-258-K.A.J.

Court OF Common Pleas, Judge J

Justice OF The Peace, Judge J

Warden, Raphael Williams. J

Superior Court Judge J



"Motion For Finding OF Facts" Hearing, Evidentiary  
Hearing", And For "Oral Arguement" et al.,

"Issues For Review and Arguement"

1) I was not arrest on April 16, 2005. IF so by who ?

2) There is No Valid warrent IF so where is it?

3) The Court OF Common Plea was without Jurisdiction to bound my Case over to Superior Court. When the prosecuter was un-able to tell me who the arresting officer was, Nor was the Judge when asked and Nor could any other officer tell me who was the arresting officer.

- 4.) The Court of Common Pleas was with-out Jurisdiction to send my Case to a grand jury when the Court did not even know who the arresting officer was, or if there was a arresting officer
- 5.) I asked the Court of Common plea "Judge" for a Valid warrent. The Court "Judge", "Prosecuter" "Clerk", Nor OFFicer Could present to me a Valid warrent. See: Exhibit A. unsigned in-valid warrent.
- 6) This Court Honorable Court's Order Not Answered

This Honorable Court Ordered the Warden Paphael William to respond to my Writ OF Habeas Corpus, Writ OF Mandamus, Writ OF Prohibition, Declaratory and Injunction Relief.

"But he did not" Nor did the State of Delaware  
answer any Interrogatory Questions. Where  
is the "Detention Order" ?

7.) This prison have not presented a Valid  
"Detention Order" Is there one?

"Interrogatory Question"  
Questions Need Answering

"IF I was arrested"

- 8.) a) What officer arrested me?  
b) What police station I was taken to?  
c) Who booked me?  
d) Who took my Finger prints?  
e) Who took my picture?  
f) Which magistrate I appear before?

Response To the State at page 3. "there is no distinction as far as the exhaustion requirement is concerned."

Fact OF The Case

My illegal Custody under attack is base on a Conspiracy of numerous people, Court 20, Justice OF The Peace "magistrate", Court OF Common Pleas "Judge" and "prosecuter" and "Warden" OF this prison". Pursuant to 28 USC 2241 and 28 USC 2241(C)(3) I the petitioner can claim right to Federal Habeas Corpus base on these 4 people illegally holding me in Custody.

As presented to the Court it is the judges who have me illegally in Custody as well as the Warden(et) of this prison.

### Exhaustion of State Remedies

I have filed these issue now present to Federal Court. In a Conspiracy Judge Fred S. Silverman and Judge Susan C. Del Pesco and Court Commissioner Reynol refused and refuses to address them.

### Facts of The Case

#### List of Motions Filed in Superior Court

- a) <sup>Motioned</sup> I ~~filed~~ For a Severance of Charges, to Seperate the Charges against the accused Victim my girl-Friend of over 6 years Common Law wife. Because she never gave the officers a valid address, Nor would she come to Court if she did.
- b) The other charge was of officer which would all be Dismissed because they Kick in my home door with-out a warrent. So base on the 4th Amendment to my Federal Civil right the 2 resist arrest Charges should be dopped with the other two Charges of offensive touching a Law enforcement officer et al's. So "all Charge would be Dismissed."

- c) I Filed a Motion For a Evidentiary Hearing to see if the officer had probable Cause to break in my home.
- d) I File a Motion for a Evidentiary Hearing to show or argue I was knock-out on prescription drug and could not of known or been responsible of the Charges of the officers.
- e) I Motion For Habeas Corpus that was Dismissed with-out Consideration or serving the defendant to respond
- f) I Motioned For Writ of Mandamus that was never Filed in the Court records Nor did the Court force the respondent to respond.
- g) I Motion For Writ of Prohibition it was likewise not File in the Courts records
- h) I Motion For a Suppression Hearing to suppress the knife taken out my home. And other things.
- i) I Motion For a Bail Hearing which the Court Denied with-out having the prosecution Respond.
- j) I Motion For Rule 16 Discovery which was Denied my Case now pending over 4 months.
- k) I Motioned For a Dismissal of Indictment and Charges. L) Speedy Trial, "Numerous others" et al,



## Concluding

All Motion of merits was never filed in the Court's records. Or was Denied with-out Order the prosecutor to respond. Nor was a Finding of Facts made.

## Administrative Notice

It is not the Warden alone responsible of my illegal detention it's also the judges, prosecution officers and the Magistrates as well, "Conspiracy"

## " Certified Question "

How Can Supreme Court of the State of Delaware get Appeal Jurisdiction if the Superior Court will not address any merits of Motions the petitioner file. Nor will file any Motion of merits. As stated by the respondent I went directly to Supreme Court I Explained these same issue and was Denied for Lack of Original Jurisdiction. I ask for Mandamus and Writ of Prohibition. To Order the lower Court, to Order a Finding of Facts.

Re: To The State Response on page 3

" State Officer having Custody of the applicant "

This prison brought me in this prison the Court Order the Warden to present a response. He has not Denied my Claim that he had no Detention Order.

(Court 20)  
The prosecutor claims that Justice of the peace gave a Detention Order. So if they had no warrant then they the Court or Magistrate was with-out Jurisdiction, and if he gave a Detention Order illegally he is and was a Custodial of a illegal Custody.

When the Court of Common Plea give a bail she is responsible for your Detention if it's illegal. The State prosecutor has less power than a judge or magistrate who orders your detention. And it is illegal if he lacks jurisdiction or Probable Cause.

If the Superior Court judge hold me in Custody illegally the prosecutor or State Can not overrule, Nor order my relief. My Claim is upon those who hold ~~author~~ authority of the Detention and bail "knowing" know they are in violation of my rights "as well"

Re Respondant response at page 4

" Johnson's Challenge to the bind over decision of the Court of Common Pleas does not state a claim Cognizable in a Federal Habeas Proceeding 28 USC 2241(C). Federal Court cannot issue a writ of habeas Corpus for alleged violations of state law only.

### My Response

I or my Habeas Corpus Writ Challenge my Custody base on 28 U.S.C. 2241 and 28 USC 2241 (C)(3) Violation of treaties, Constitution and law. The Conspiracy of the Judges and the Scheme of the judges to violate my Federal Constitutional rights is a violation of the treaty, to up-hold my Federal Civil Constitution Right it is also a Violation of Congress Law Title 18 USC 242 and Title 18 USC 241. The evidence speaks for itself. The judge, Court Clerk, Prosecutor and officer at preliminary Hearing could not tell me who the arresting officer was, Nor could the Court, Prosecutor, or officer or others Present to me a valid warrent. The officer testified that he never even saw my arrest. There is, Nor was, any grown to send my case to a grand jury, Nor Superior Court. (8)



Response to Respondant Response page 4 and 5

Finally the prosecution Claims I have not exhaust all State remedies. And after Conviction I will have a Chance to Appeal

Error OF Respondant and Prosecution

The prosecution ask this Court to sit back and wait till the State Convict me. Because the State have not had a opportunity to determine and correct any violation of my rights.

" Fact OF The Case "

The State has been serve over <sup>(about)</sup> 20 No over 10 Motions of merit to Dismiss this Case, But have not been order to respond. The State Know it has No valid address of the <sup>accused</sup> Victim (Michelle Roebuck)

The State knows that all Charges of the Officer must be Dismissed or Suppressed, because the Officer Kicked in my home door with-out a warrant. So all there Charges must be Dismissed. They had no <sup>search</sup> Search warrant under the 4<sup>th</sup> Amendment to my Federal Constitutional Right. I Can not be Prosecuted and All evidence must be suppressed.

Conspiracy to Violate Rights Title 18 USC 242 and 241

The "prosecuter", Court of Common Pleas "Judge" knew at preliminary Hearing there were No Valid Warrent. They knew it was no valid warrent. They knew it was not Probable Cause to send my Case to Superior Court, They knew it was No grounds, reasonable bases or Probable Cause to send my Case to a grand jury. They did it with the intent on violating my rights. They Could not present a arresting officer. They Could not present a Valid warrent. I sent Motions to Justice OF The Peace Court 20, To the prosecuter, to Court OF Common Pleas and to Superior Court of every issue Now present. These judge Chose not to respond and Chose not to ~~order~~ the prosecuter to respond. The Judges now have me held illegally in Custody. The Judges Chose not to allow my Motion on record with the intent to deprive me of my federal Civil Constitutional Rights under the <sup>4th</sup> 5th, 6th "14th" amendment to Due Process of the Court for relief, et al.

### "The Scheme OF Judges and Prosecution"

The Scheme is not to address any issue of merit to bring me to trial and Convict me with-out addressing any issue of merit I present. (10)

## " Conclusion "

1) The warden have not responded stating he had a Valid Detention Order to bring me in this prison on April 15, 2005. He has not Denied my claim that I was detain illegally with-out a Detention Order.

2) The State have not Denied my Claim that there is or were no arresting officer.

3) The State have not Denied my Claim that there is "No" Valid warrent "Nor" Valid Indictment

4) The State have not Denied my claim that there were "not" sufficient evidence to bound my Case over or to a grand jury.

5) The State have not Denied my Claim that at Preliminary Hearing they could not present a Valid warrent, b) They Could not tell me who was the arresting officer.

## Conclusion

The prosecution makes Clear on last page 5 that they seek to Continue to Convict. Not have a "opportunity to determine and Correct any Violations" of Prisoner's right. These judges do not intend on addressing my Motions or they would have filed them. It's the Judges who have me illegally detained. They are going on with proceeding and not addressing any issue as Dismiss of Indictment filed or Dismissal of Charges filed.

## Relief Prayed "Im also Innocent"

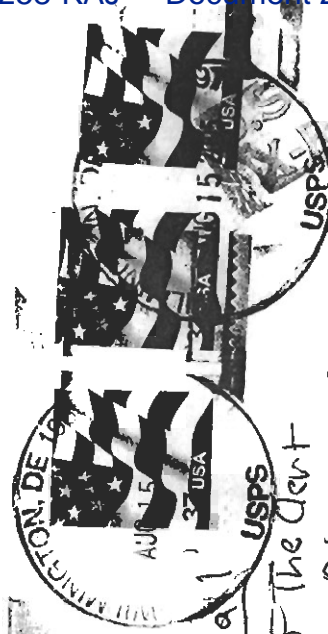
Because all issue was both present to the State and a Judges, the Warden and Supreme Court. And not one has Denied my Claim. I am innocent also. The judge if they had respect my Motion to waive all Case Reviews and proceed with picking jury and trial I would not be here. Michelle Roebuck my Common-law wife left the State No valid address and would not come to Court if she had. The State have No victim. Also the Charges of the officer are false and could of been Dismissed for Violations of Common Law of the land and my Federal Constitutional Right under the 4th Amendment. Had the Superior Court given Due Process all Charges would be Dismissed. It is these Judge Fault and they have had there Chance to hear and respond. The issues have been present ~~to~~ the Supreme Court as well. The state on it own Could have at this time answer the Question and Interrogatory Question. The state have been mailed ~~all~~ Motions, a copy there of was sent to the lower Courts too.

Therefore Appellant and Petitioner Moves for Habeas Corpus, Injunction and Declaratory Relief et al.,

"Oath Affidavit"  
I Declare that the ~~forgoing~~ is true and correct under penalty of perjury Declared August 2005 Ronald Julius signed.



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